



**US Army Corps
of Engineers®**
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: May 26, 2009
Comment Period Ends: June 26, 2009
File Number: NAE-2007-2347
In Reply Refer To: William J. Mullen
Or by e-mail: william.j.mullen@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT Riverbend Associates, Inc.

ACTIVITY To place fill in approximately 2.07 acres of waters, primarily in a wetland area where pesticide-contaminated soil is to be removed and replaced with clean soils. The work is to be done in conjunction with construction of a 299-unit residential subdivision on a 364-acre site in Simsbury, Connecticut. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in wetlands in the Munnisunk Brook watershed (drains to the Farmington River) in the vicinity of Hoskins Road and County Road in Simsbury, Connecticut. The proposed location on the USGS Tariffville, Connecticut quadrangle sheet is at Lat 41 54' 30.6" N, Long 72 49' 9.7" W

AUTHORITY

Permits are required pursuant to:

- ☐ Section 10 of the Rivers and Harbors Act of 1899
- ☒ Section 404 of the Clean Water Act
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment

and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of fill material into waters of the United States, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

The following authorizations have been applied for, or have been, or will be obtained:

- () Permit, License or Assent from State.
(X) Permit from Local Wetland Agency or Conservation Commission.
(X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Bill Mullen at (978) 318-8559, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Robert J. DeSista
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

To place fill in approximately 2.07 acres of waters, primarily in a wetland area where pesticide-contaminated soil is to be removed and replaced with clean soils. The work is to be done in conjunction with construction of a 299-unit residential subdivision ("Meadowood Planned Residential Community") on a 364-acre site in Simsbury, Connecticut. The site is bounded by Hoskins Road to the south, County Road to the north and east, and Holcomb Road to the west, and contains 23.7 acres of wetlands (12 wetlands, including 3 vernal pools) and 2200 feet of manmade intermittent watercourses (2 of them) constructed for the purpose of keeping surface water away from tobacco barns on the site. More than 60% of the site has historically been used for agricultural purpose, with the remainder being wetlands and woodlands. The site is flat or gently sloping except for a hilly area in the center of the site.

Subdivision construction will include approximately 3.9 miles of 26'-wide public roadways with curb and 5'-wide sidewalk on one side of the road. New roads will be constructed to serve most of the development, except for three units with driveways on Holcomb Street and four units with driveways onto Hoskins Road. Primary access to the main portion of the site will be provided by a road off of Hoskins Road. Public water, sewer, gas, electric, and communication service will be installed under all roads. The storm drainage system will include catch basins, biofilter swales, storm sewers, hydrodynamic separators, and nine detention/water quality basins. 149 acres of the site are dedicated to the Town of Simsbury for public open space.

The original application filed with the Town of Simsbury proposed an 89-lot single-family subdivision for a portion of the site, but the town's planning commission rejected that proposal, instead requesting that a comprehensive development plan be proposed for the entire 364-acre site that included an extensive open-space component. An application filed locally in the year 2000 proposed 644 units of housing on the 364-acre site. After a lengthy and contested applications and litigation period, a compromise plan was agreed to that included 299 dwelling units, 189 acres of open space, and cleanup of the contaminated soils in the vicinity of Wetland 10 along with its restoration. Numerous layouts of the development were reportedly considered during the process, but all of them included upgrading of the existing east-west running farm road and its crossing between Wetlands 3 and 5 so as not to require an additional crossing of this wetland corridor.

The primary activity impacting wetlands (Impact Area 1) involves the removal of 5,000 cubic yards of soil from the 2.03-acre Wetland 10 as part of the removal of a total of 25,000 cubic yards of soil containing residual pesticides from Wetland 10 and adjacent uplands (total area, including wetlands, is 7.7 acres), and disposal to an approved offsite disposal location. Wetland 10 is a wet meadow wetland with its principal functions including groundwater recharge and discharge, floodwater storage, and wildlife habitat. Approximately 18 inches of contaminated soil, the result of years of agricultural activities involving the growing of tobacco and nursery stock, will be removed using conventional equipment from the entirety of Wetland 10 and its adjacent uplands. The removed upland and wetland soils will be replaced with 18" of clean topsoil (fill), amended with peat moss and leaf mulch, thereby resulting in the filling of 2.03 acres of wetlands. The soil removal activity will bring the site into compliance with the Connecticut pollutant mobility criteria and the residential direct exposure criteria. The restored wetland area will be planted with hydrophytic vegetation based upon the detailed planting plan. Final grading will closely resemble what it is currently with the exception of the creation of two shallow depressions. This area (including Wetland 10) will be protected as permanent open space through a deed to the town.

There are five other areas with direct and temporary impacts to waters/wetlands totalling 1597 square feet (i.e.

0.037 acres). They involve culverts, storm sewer crossings, and relocation of a reach of a watercourse. Impact Area 2 (357 square feet) involves the replacement of the existing 42"-diameter reinforced concrete culvert between Wetlands 3 and 5 with a longer (56-feet-long) 12'-wide x 6'-high concrete arch culvert with an open bottom with natural bottom substrate and enable better wildlife connectivity under the roadway. The existing farm road over the 42"-diameter culvert will be widened and upgraded to town roadway standards to become the development's primary east to west residential street (Cold Spring Road), enabling access to northern portions of the site. Impact Area 2 also includes construction of a water-level control weir at the northern portion of Wetland 3, approximately 25 feet upstream (south) of the existing farm road. The weir is designed to replicate the current flows out of Wetland 3 despite the enlarged culvert at its outlet.

Impact Area 3 (600 square feet) is the filling and relocation of 150 linear feet of the manmade Intermittent Watercourse 2 in order to facilitate construction (including widening) of the proposed Cold Spring Road. The reach to be relocated is at the watercourse's eastern end, where it turns south and discharges to the flat area just north of Wetland 10.

Impact Area 4 (80 square feet) is the temporary disturbance of Intermittent Watercourse 2 in order to construct a storm drain crossing under the watercourse near its eastern end.

Impact Area 5 (480 square feet) is the replacement of the small culvert (120 linear feet) under the existing farm road (to become Cold Spring Road) with an 80-feet long 12'-wide x 5' high concrete arch culvert with an open bottom with natural bottom substrate. The work will impact 120 linear feet of Intermittent Watercourse 2.

Impact Area 6 (80 square feet) is the temporary disturbance of Intermittent Watercourse 2 in order to construct a storm drain crossing under the watercourse near its northern end.

There are three vernal pools on the 364-acre property, at Wetlands 2, 7, and 8. Although there are no direct impacts to these wetlands, development is proposed in their general vicinity. Fill in the form of a riprap splash pad and level spreader is proposed approximately 90 feet from Wetland 2, with fill placed along the backyards of homes along Meadowood Circle approximately 100 feet from the vernal pool. Development is also proposed in the general vicinity of Wetlands 7 and 8, however, there is already existing development in the vicinity of these wetlands.

The work is described on the enclosed plans entitled "Project: Meadowood, Hoskins Road, Simsbury, Connecticut" on 21 sheets, and dated "May 15, 2009."

The proposed mitigation is the restoration of Wetland 10 once its pesticide-contaminated soil is removed. The proposed mitigation is expected to result in the complete restoration of all of the 2.03-acre wetland's lost functions and values.

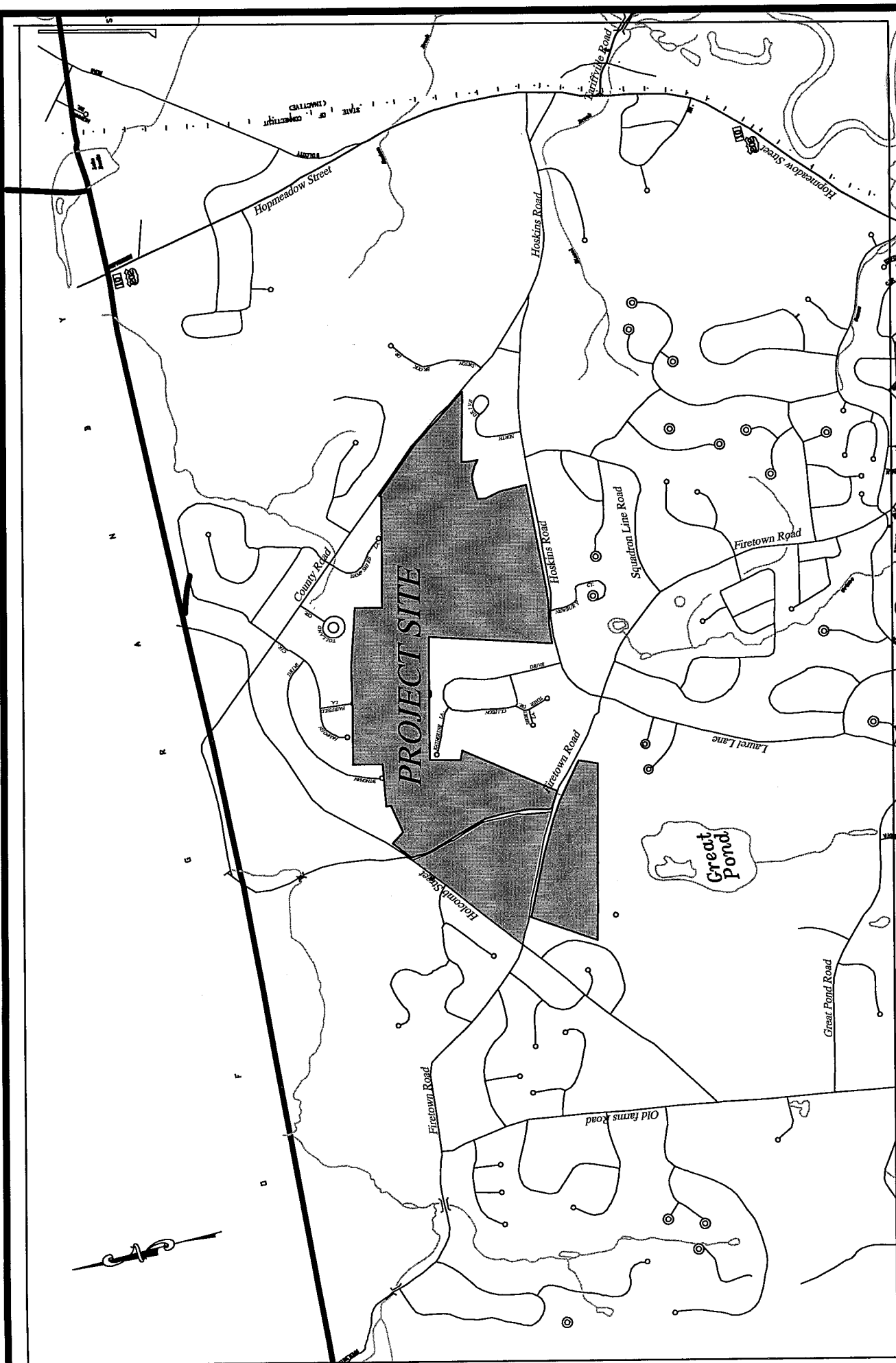
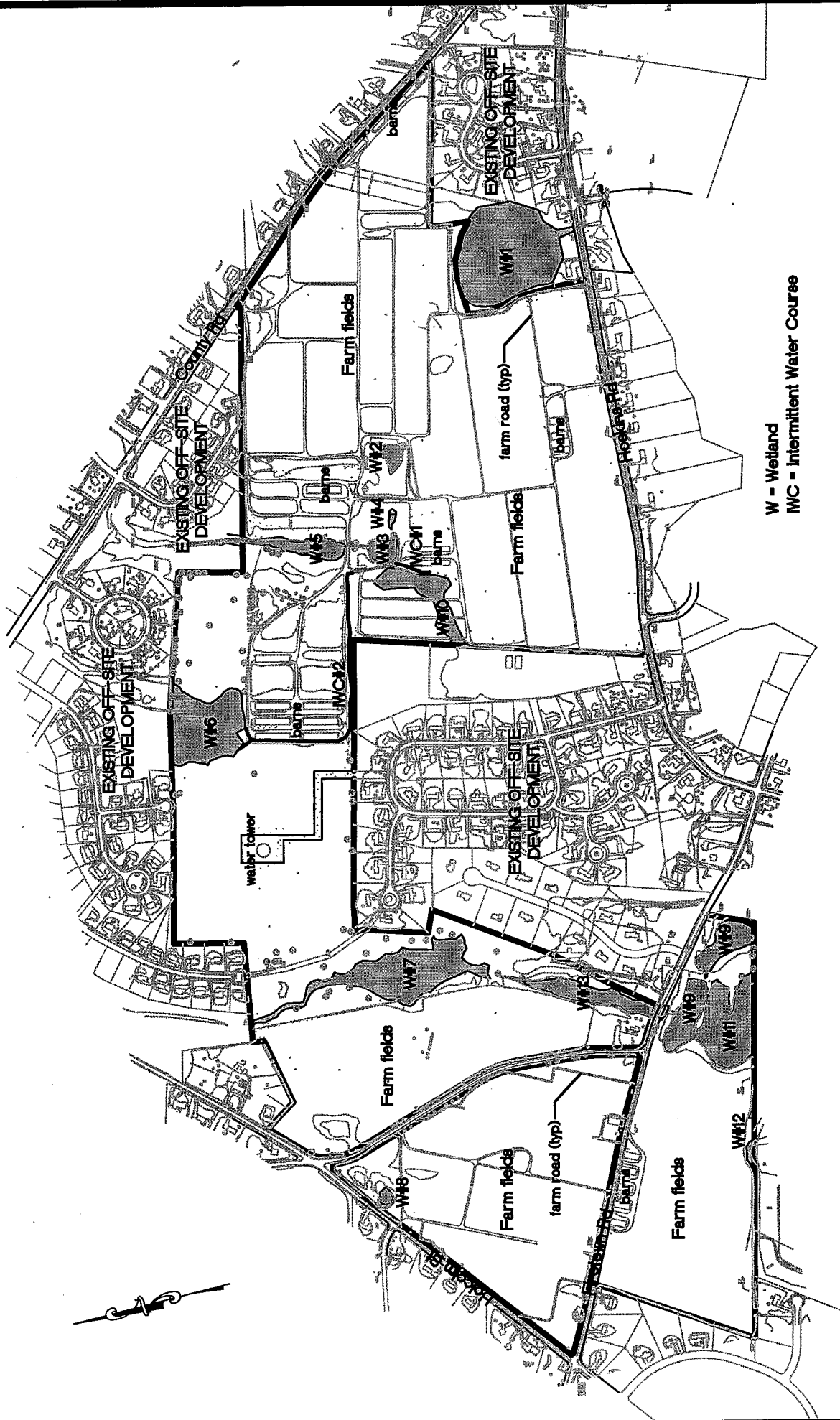


FIG. PN-1
05/15/09

Project Location

PROJECT: Meadowood
Hoskins Road, Simsbury, Connecticut
APPLICANT: River Bend Assoc., Inc.
204 West Newberry Road, Bloomfield, CT
PREPARED BY: F. A. Hesketh & Assoc., Inc.
6 Creamery Brook, East Granby, CT



PROJECT: Meadowood
Hoskins Road, Simsbury, Connecticut
APPLICANT: River Bend Assoc., Inc.
204 West Newberry Road, Bloomfield, CT
PREPARED BY: F. A. Hesketh & Assoc., Inc.
6 Creamery Brook, East Granby, CT

Existing Conditions

FIG. PN-2
05/15/09

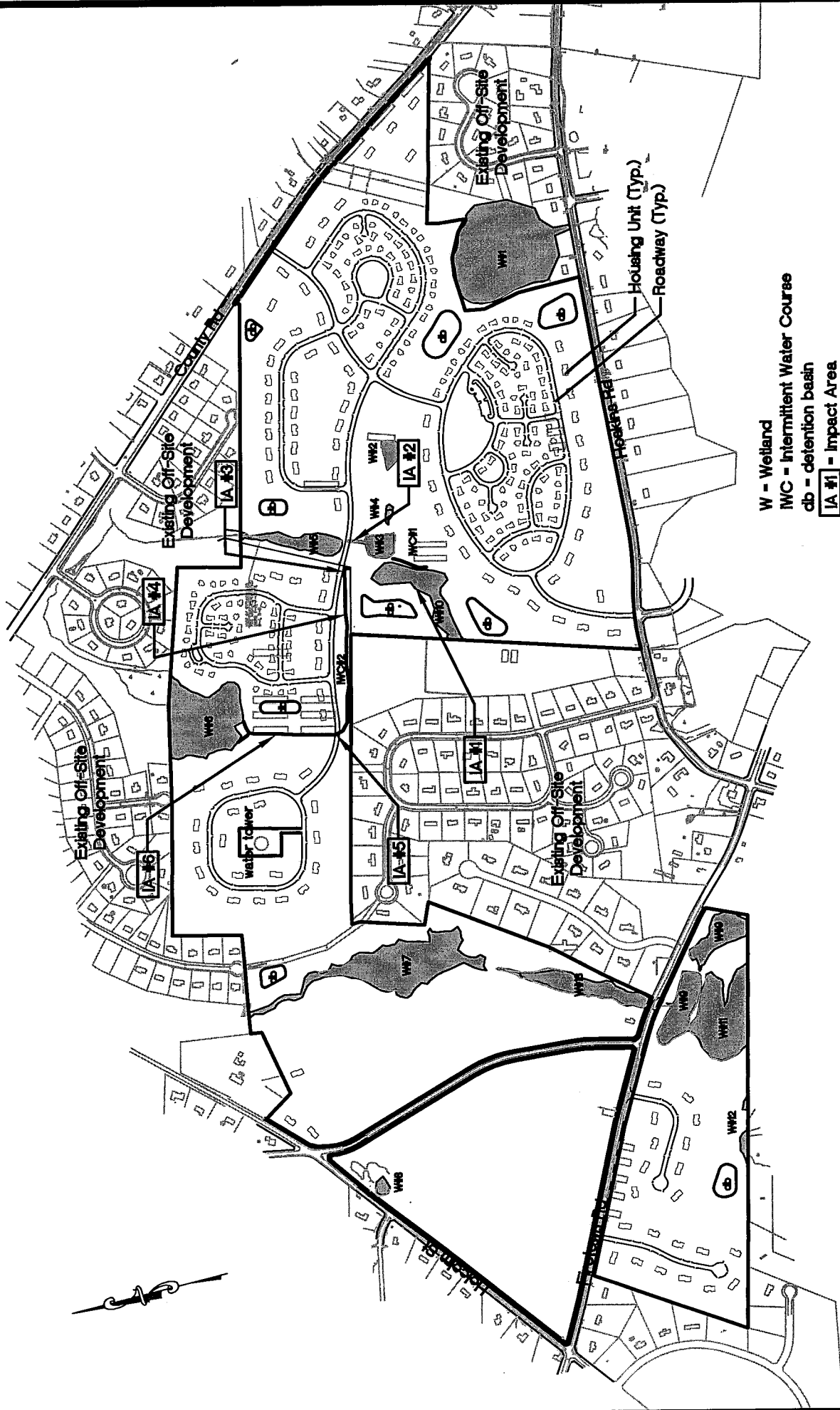
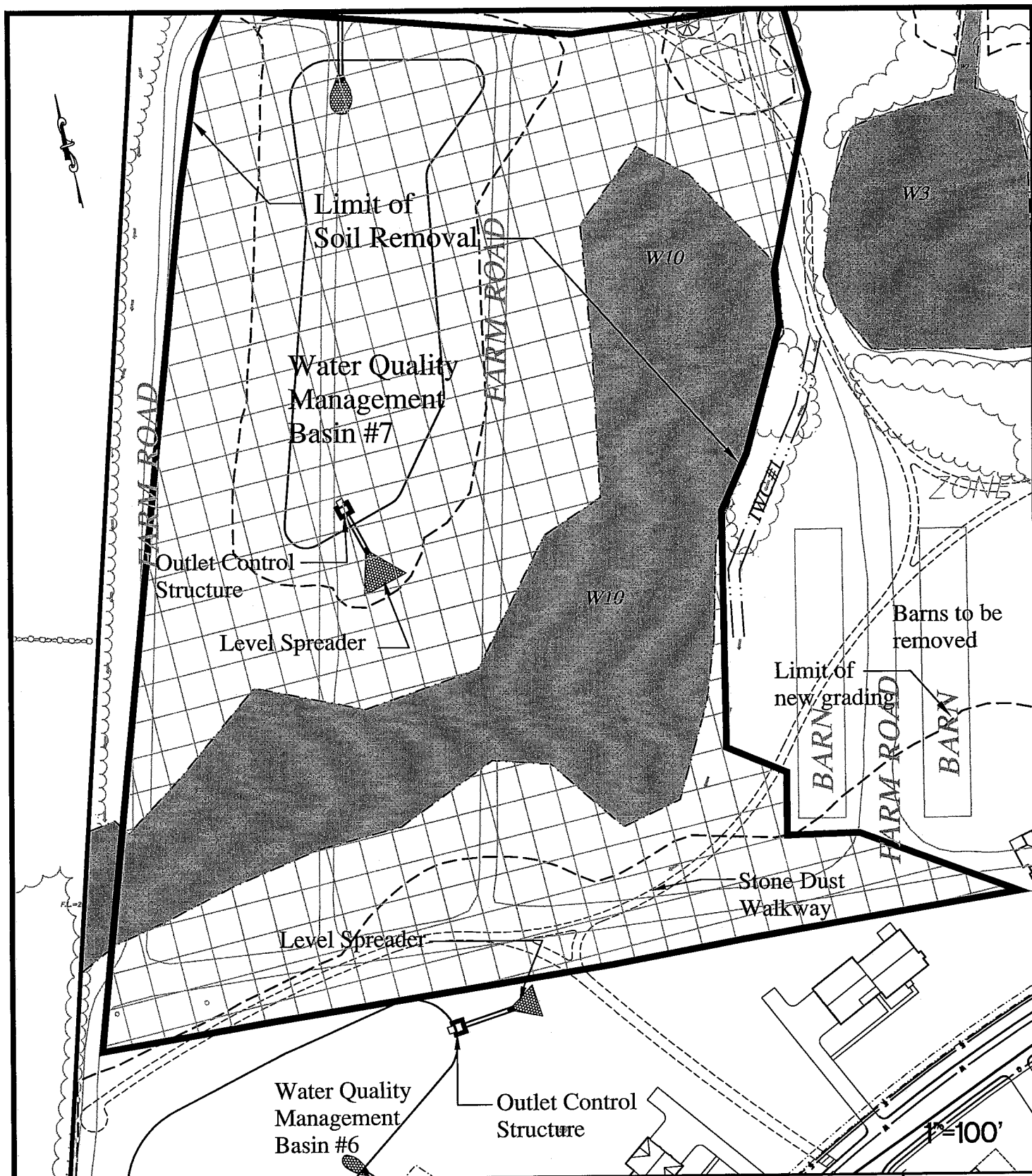


FIG. PN-3

05/15/09

Proposed Project

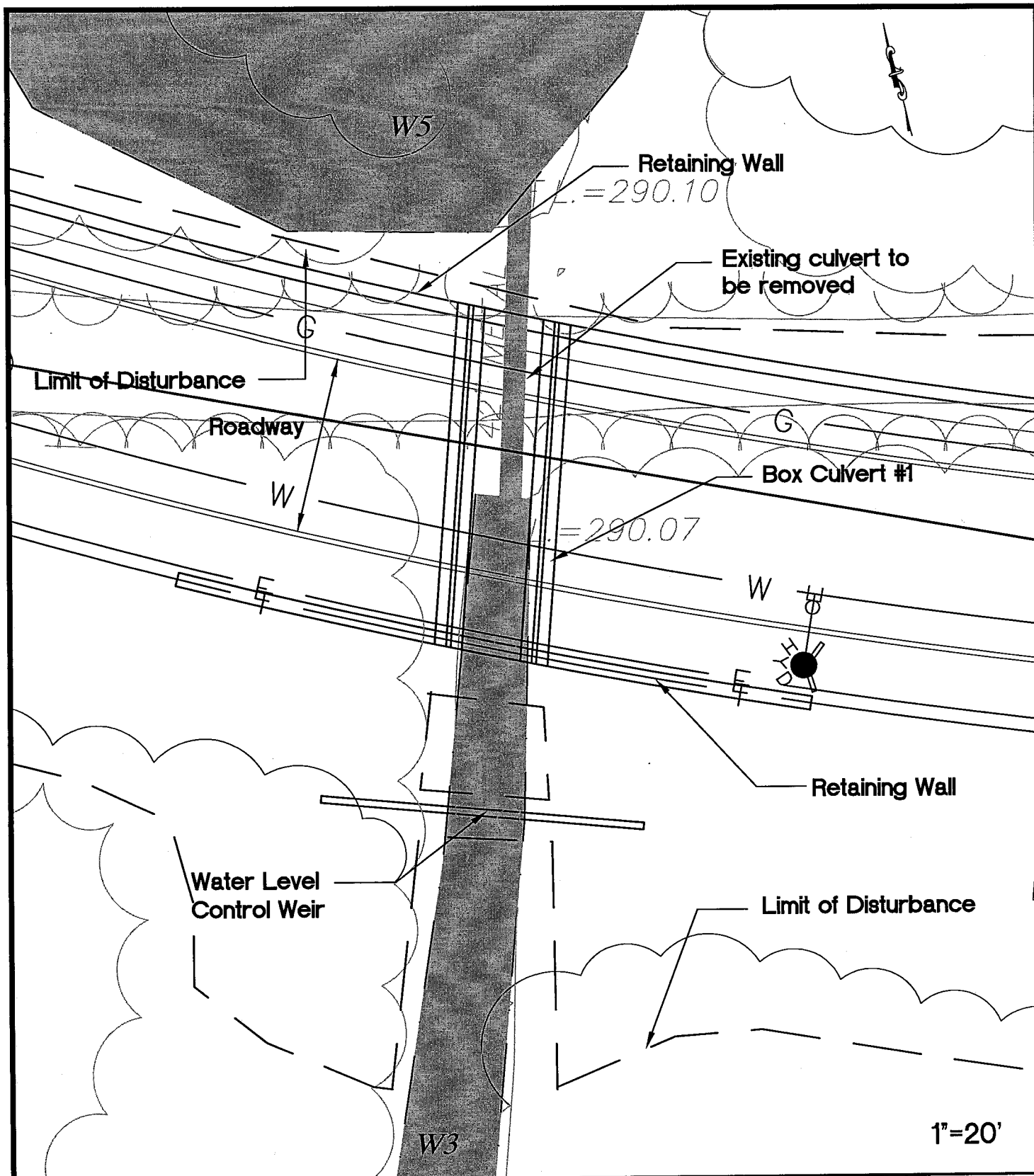
PROJECT: Meadowood
 Hoskins Road, Simsbury, Connecticut
 APPLICANT: River Bend Assoc., Inc.
 204 West Newberry Road, Bloomfield, CT
 PREPARED BY: F. A. Hesketh & Assoc., Inc.
 6 Creamery Brook, East Granby, CT



PROJECT: Meadowood
 Hoskins Road, Simsbury, Connecticut
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 6 Creamery Brook, East Granby, CT

Impact Area #1
 Wetland 10

FIG. PN-4
 05/15/09

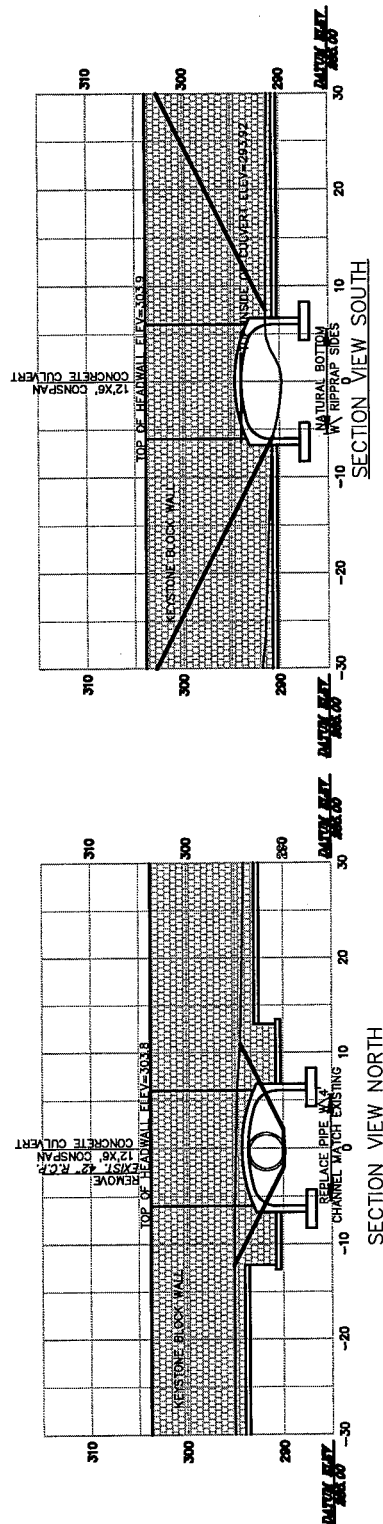
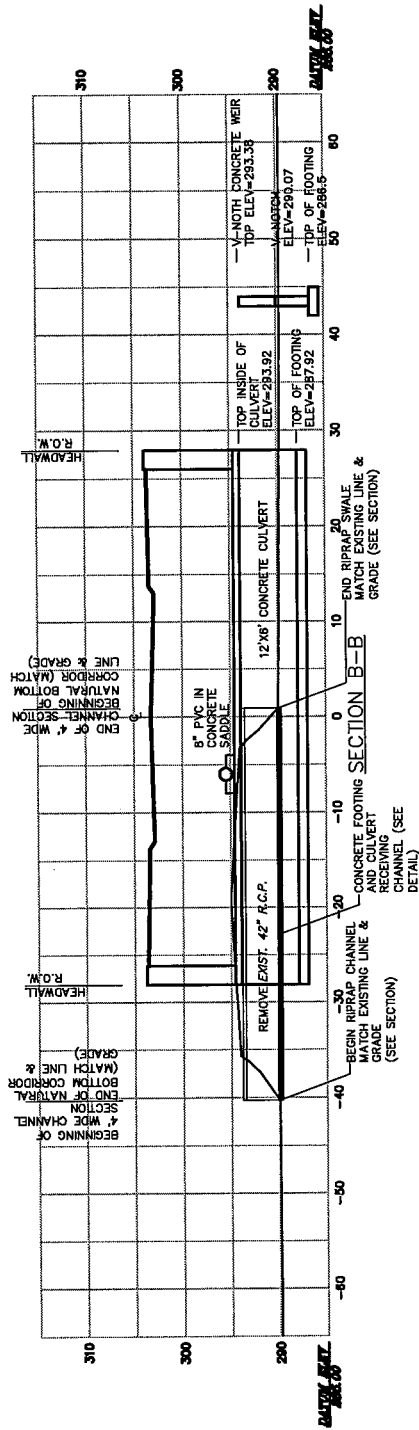


PROJECT: Meadowood
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Impact Area #2
 Wetland 3

FIG. PN-5a

05/15/09

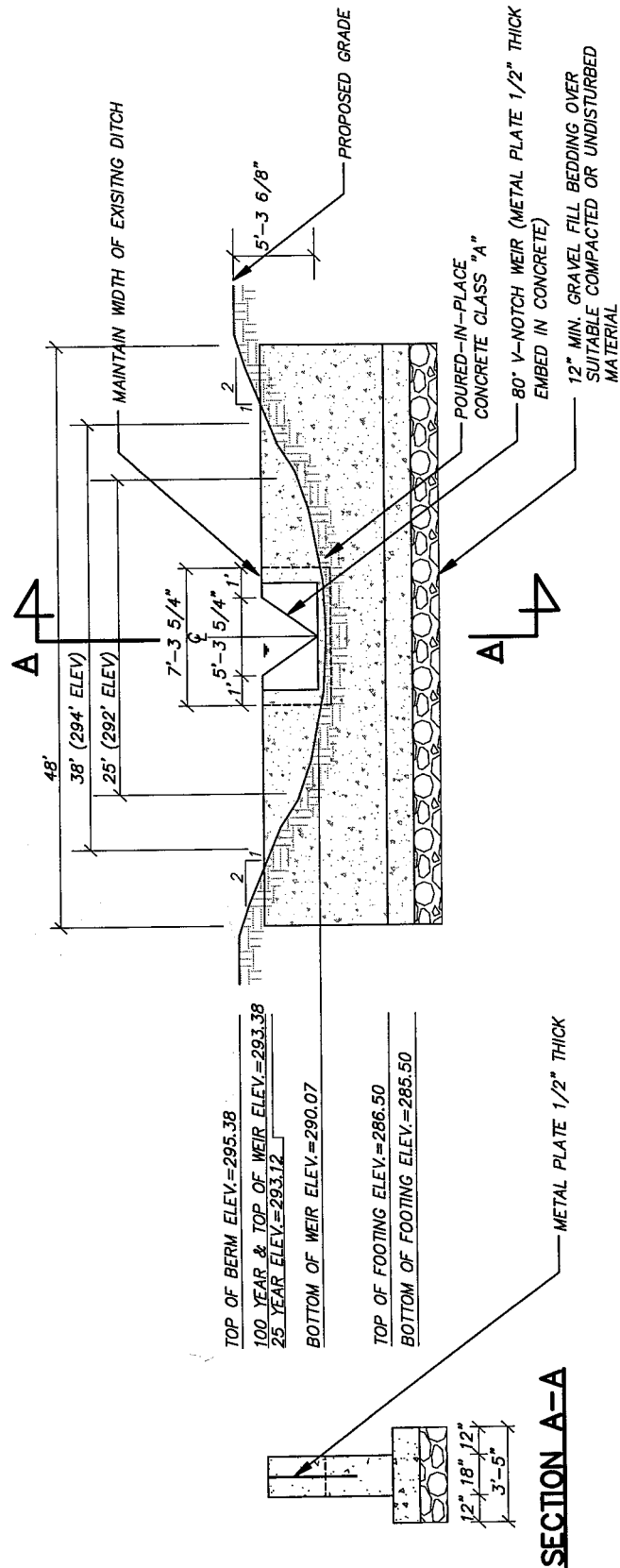


1"=20'

PROJECT: Meadowood
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6 Creamery Brook, East Granby, CT

Impact Area #2
Box Culvert # 1

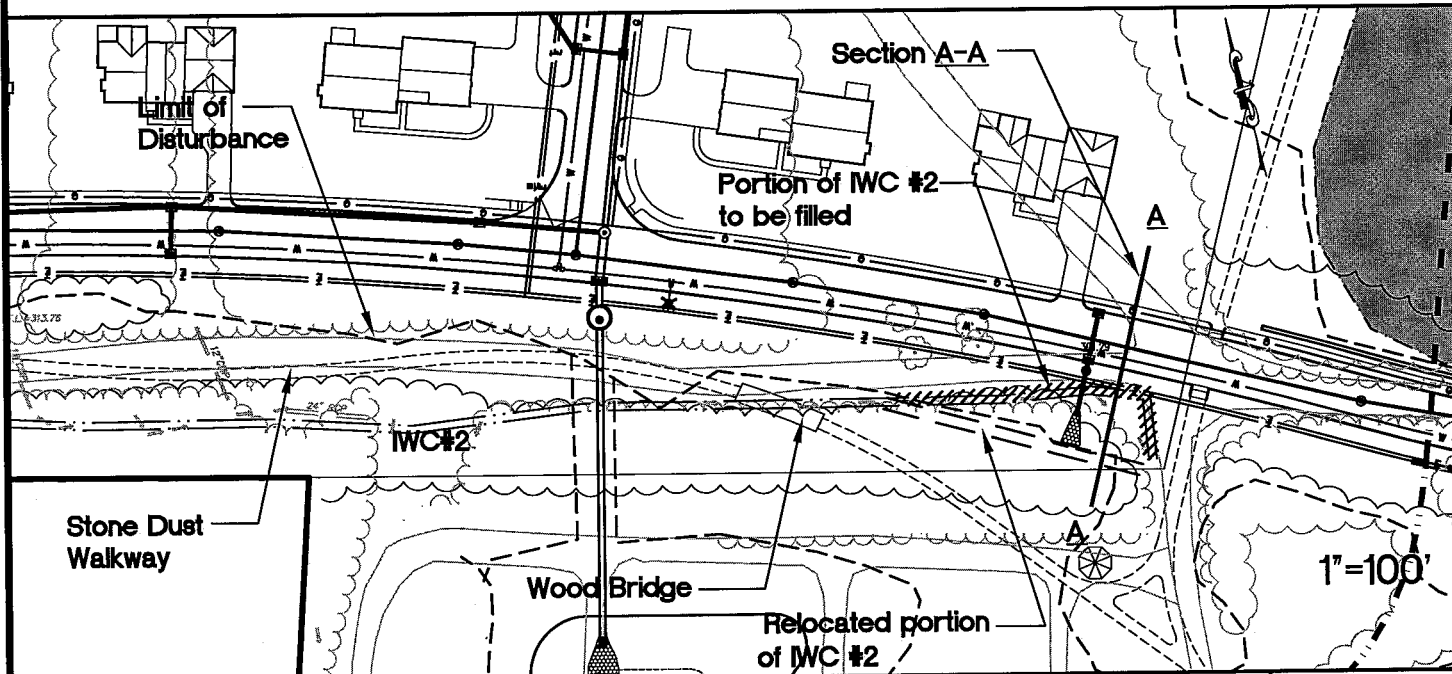
FIG. PN-5b
05/15/09



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Hoskins Road, Simsbury, Connecticut
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204 West Newberry Road, Bloomfield, CT
PREPARED BY: F. A. Hesketh & Assoc., Inc.
6 Creamery Brook, East Granby, CT

Impact Area #2
Water Level Control Weir

FIG. PN-5c
05/15/09

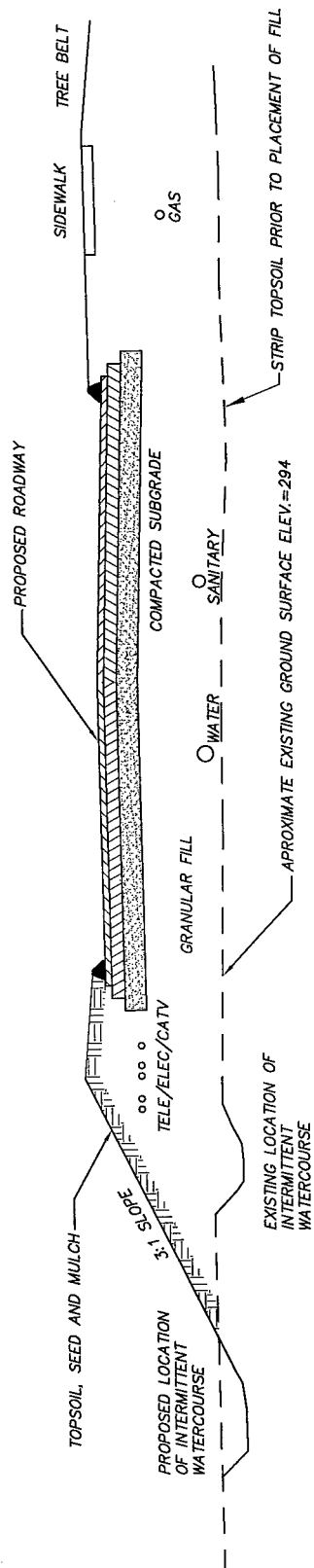


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Impact Area #3
 Intermittent
 Watercourse #2

FIG. PN-6a

05/15/09



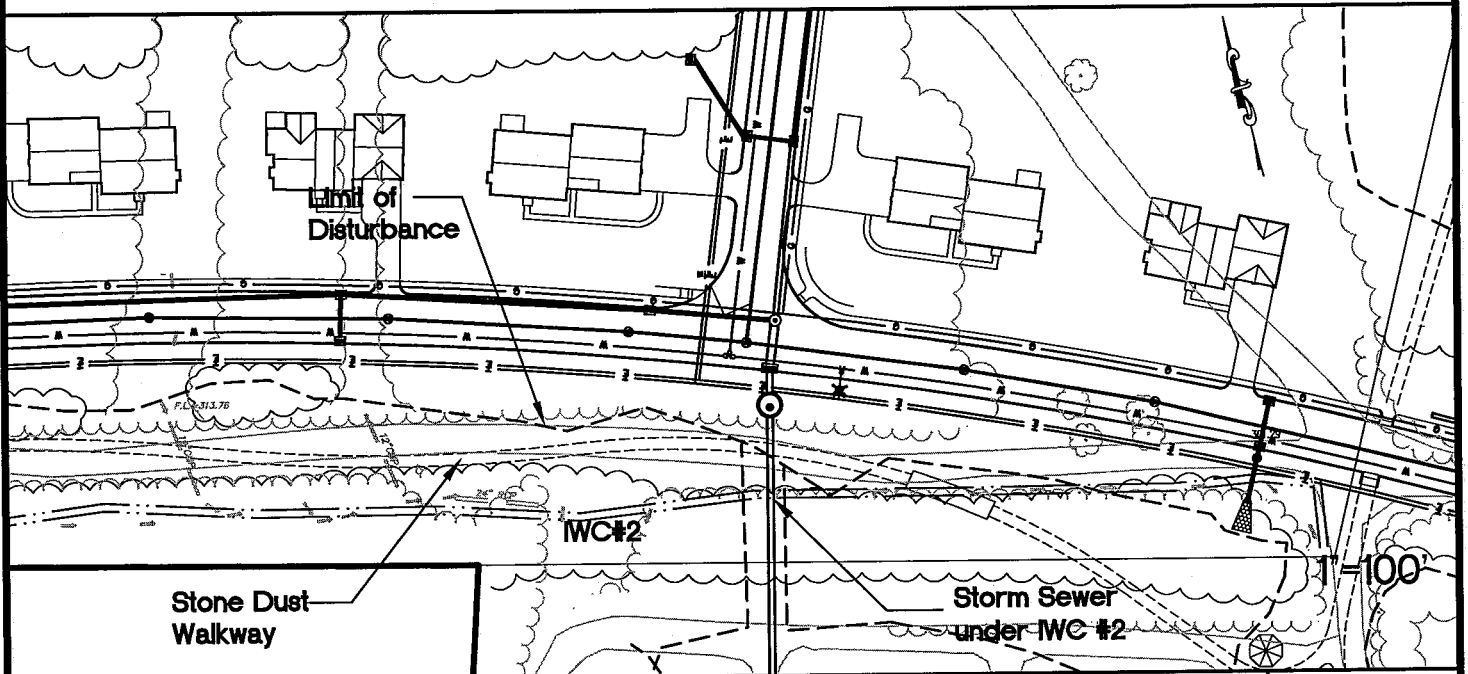
SECTION A-A

PROJECT: Meadowood
Hoskins Road, Simsbury, Connecticut
APPLICANT: River Bend Assoc., Inc.
204 West Newberry Road, Bloomfield, CT
PREPARED BY: F. A. Hesketh & Assoc., Inc.
6 Creamery Brook, East Granby, CT

Impact Area #3
Intermittent
Watercourse #2

FIG. PN-6b

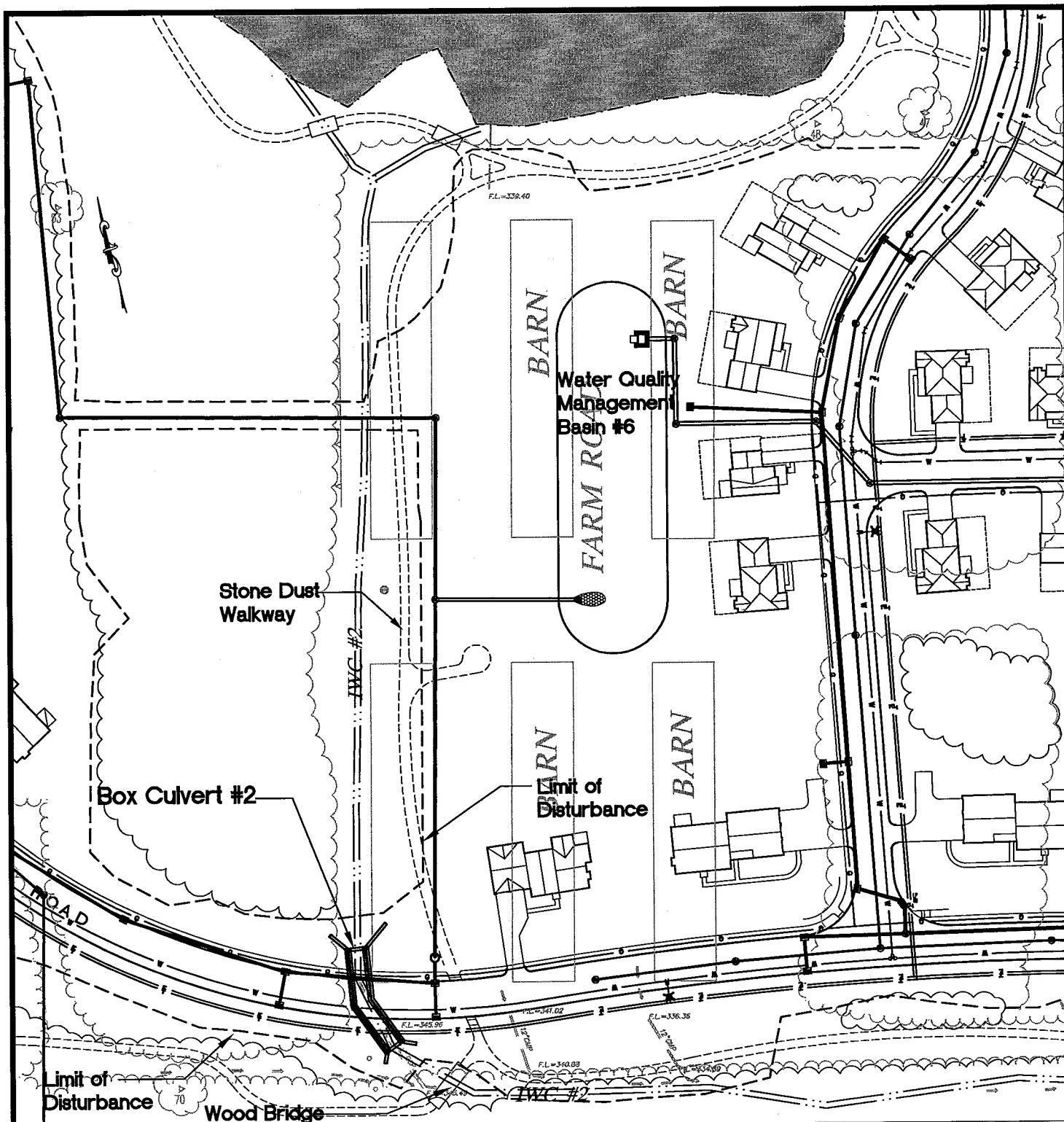
05/15/09



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Impact Area #4
 Intermittent
 Watercourse #2

FIG. PN-7
 05/15/09

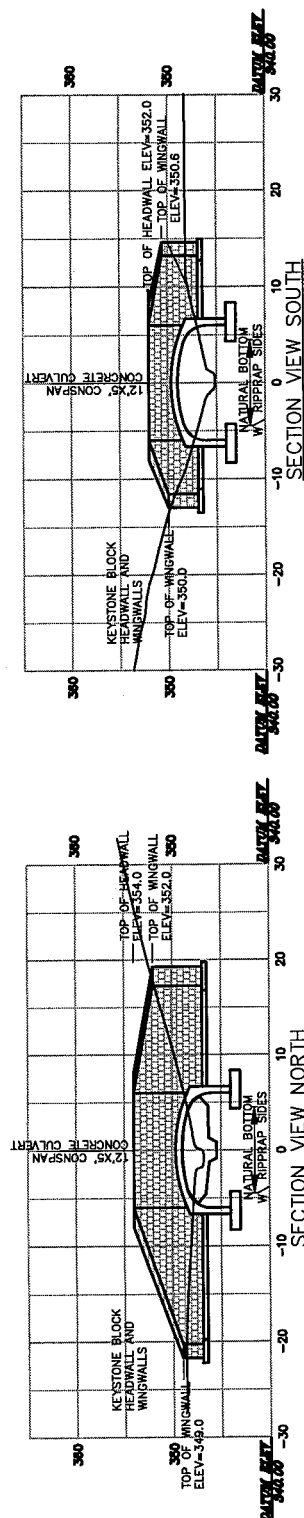
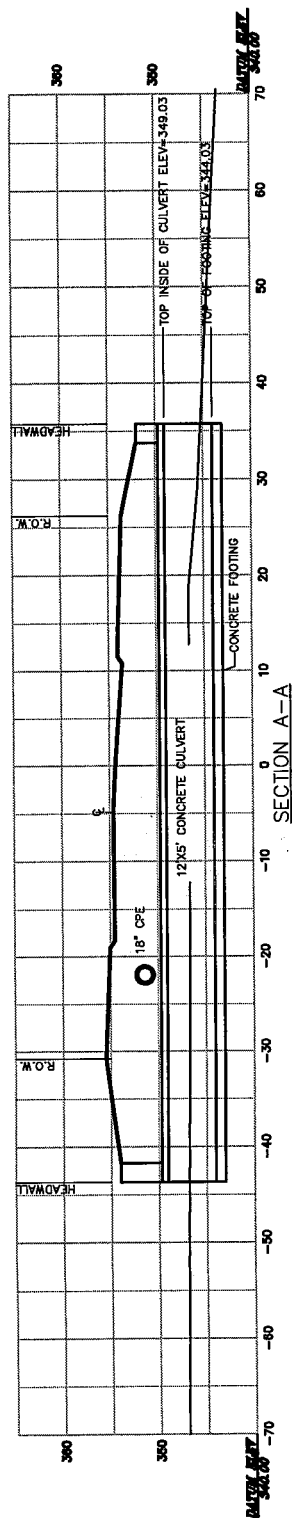


1"=100'

PROJECT: Meadowood
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Impact Area #5
 Intermittent
 Watercourse #2

FIG. PN-8a
 05/15/09

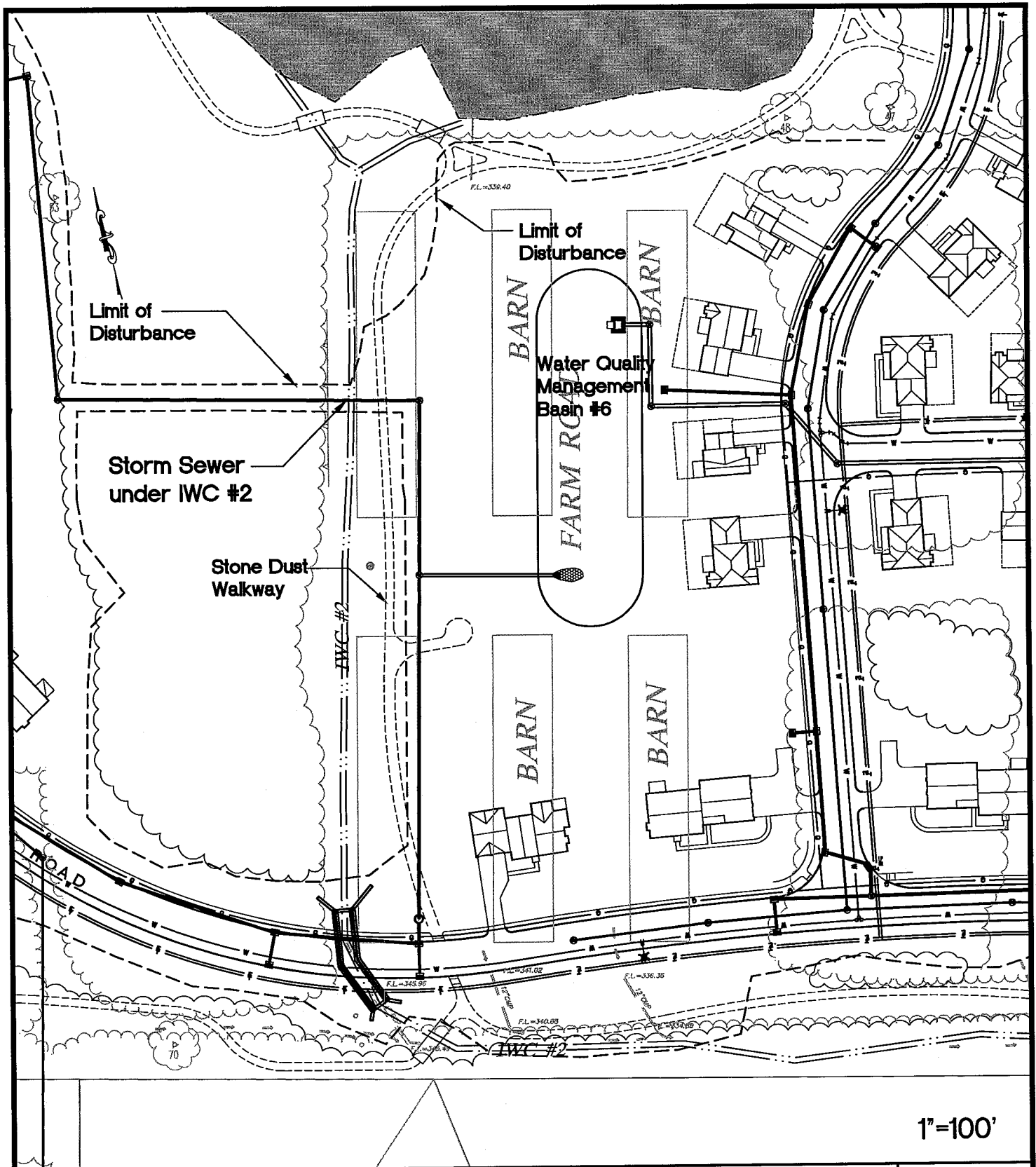


1"=20'

PROJECT: Meadowood
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Impact Area #5
 Box Culvert # 2

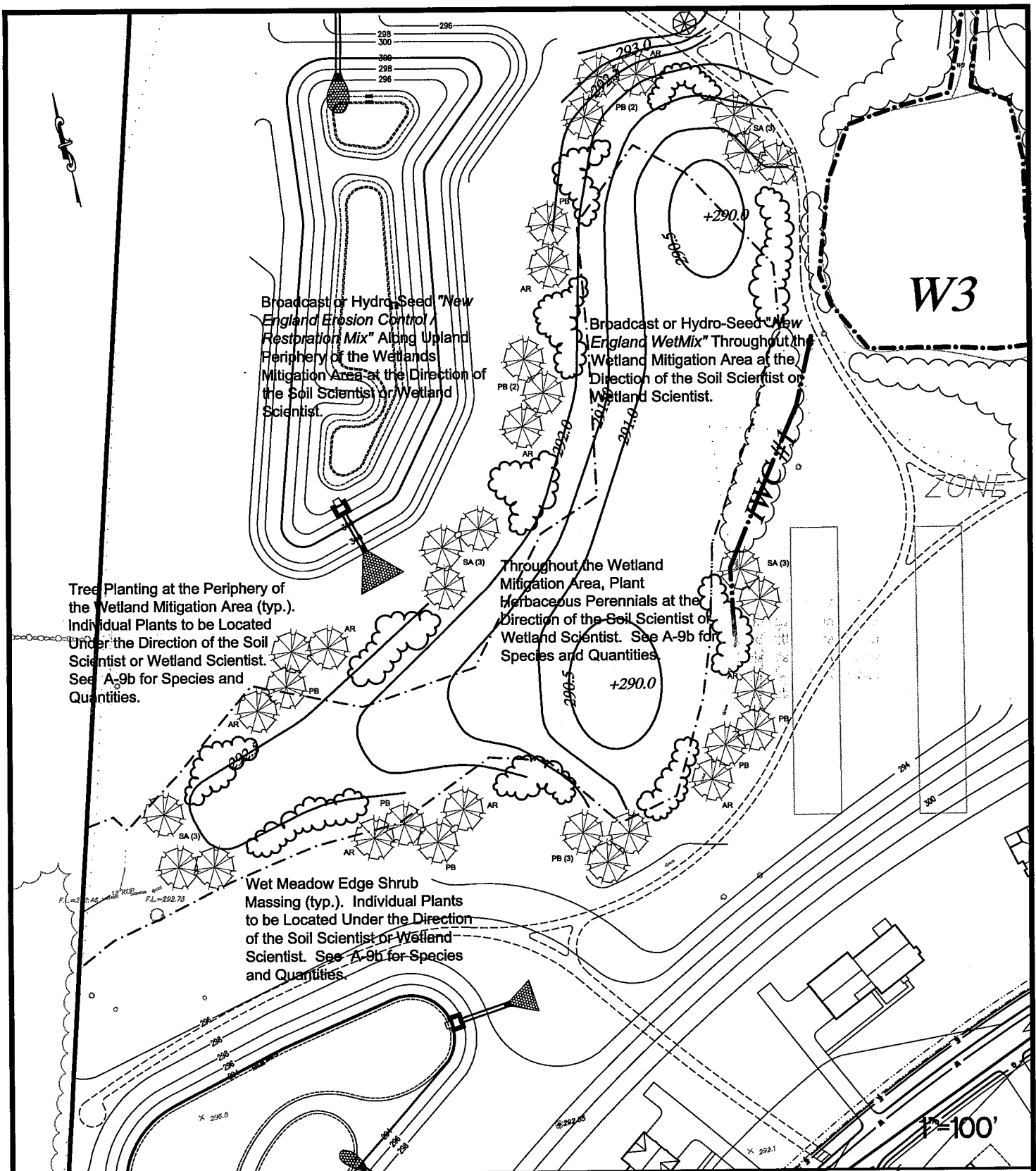
FIG. PN-8b
 05/15/09



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Impact Area #6
 Intermittent
 Watercourse #2

FIG. PN-9
 05/15/09



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 6 Creamery Brook, East Granby, CT

Wetland Mitigation Plan Mitigation Area Planting Plan

FIG.
 PN-10a
 05/15/09

Landscape Schedule

Deciduous Canopy Trees

<u>Sym.</u>	<u>Botanical Name</u>	<u>Common Name</u>	<u>Qty.</u>	<u>Size</u>	<u>Comments</u>
AR	Alnus rubra	Black Alder	9	2 to 2 1/2" caliper	B & B
PB	Populus deltoides	Eastern Cottonwood	14	3 to 3 1/2" caliper	B & B
SA	Salix nigra	Black Willow	11	3 to 3 1/2" caliper	B & B

Wet Meadow Edge Shrubs

<u>Sym.</u>	<u>Botanical Name</u>	<u>Common Name</u>	<u>Qty.</u>	<u>Size</u>	<u>Comments</u>
S1	Cornus amomum	Silky Dogwood	20	12 to 18" height	B & B
S2	Cornus racemosa	Gray Dogwood	46	12 to 18" height	B & B
S3	Cornus sericea	Red-Osier Dogwood	14	12 to 18" height	B & B
S4	Sambucus canadensis	Common Elderberry	23	12 to 18" height	B & B
S5	Spirea latifolia	Meadowsweet	20	12 to 18" height	B & B
S6	Viburnum lentago	Nannyberry	20	12 to 18" height	B & B

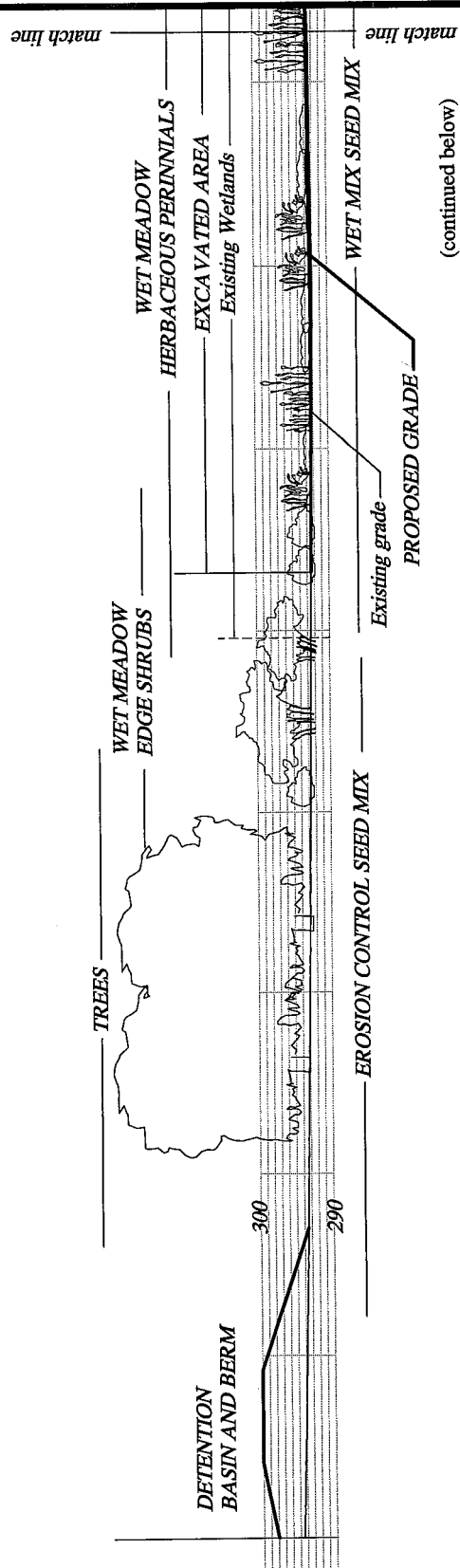
Herbaceous Perennials

<u>Sym.</u>	<u>Botanical Name</u>	<u>Common Name</u>	<u>Qty.</u>	<u>Size</u>	<u>Comments</u>
AP	Alisma plantago-aquatica	Water Plantain	700	2" pot / root	3 feet o.c.
AC	Acorus valadus	Sweetflag	700	2" pot / root	3 feet o.c.
AN	Aster novae-angliae	New England Aster	700	2" pot / root	3 feet o.c.
CS	Carex stricta	Tussock sedge	700	2" pot / root	3 feet o.c.
EP	Eleocharis palustris	Spike Rush	700	2" pot / root	3 feet o.c.
EM	Eupatorium maculatum	Joe-Pye-Weed	700	2" pot / root	3 feet o.c.
EUP	Eupatorium perfoliatum	Boneset	700	2" pot / root	3 feet o.c.
GC	Glyceria canadensis	Fowl Meadow Grass	700	2" pot / root	3 feet o.c.
IV	Iris versicolor	Blue Flag Iris	700	2" pot / root	3 feet o.c.
JC	Juncus canadensis	Canada Rush	700	2" pot / root	3 feet o.c.
PP	Poa palustris	Fowl Bluegrass	700	2" pot / root	3 feet o.c.
SA	Scirpus atrovirens	Dark Green Bulrush	700	2" pot / root	3 feet o.c.
SC	Scirpus cyperinus	Woolgrass	700	2" pot / root	3 feet o.c.
SV	Scirpus validus	Softstem Bulrush	700	2" pot / root	3 feet o.c.
VH	Verbena hastata	Blue vervain	700	2" pot / root	3 feet o.c.
VN	Veronica noveboracensis	New York Ironweed	700	2" pot / root	3 feet o.c.

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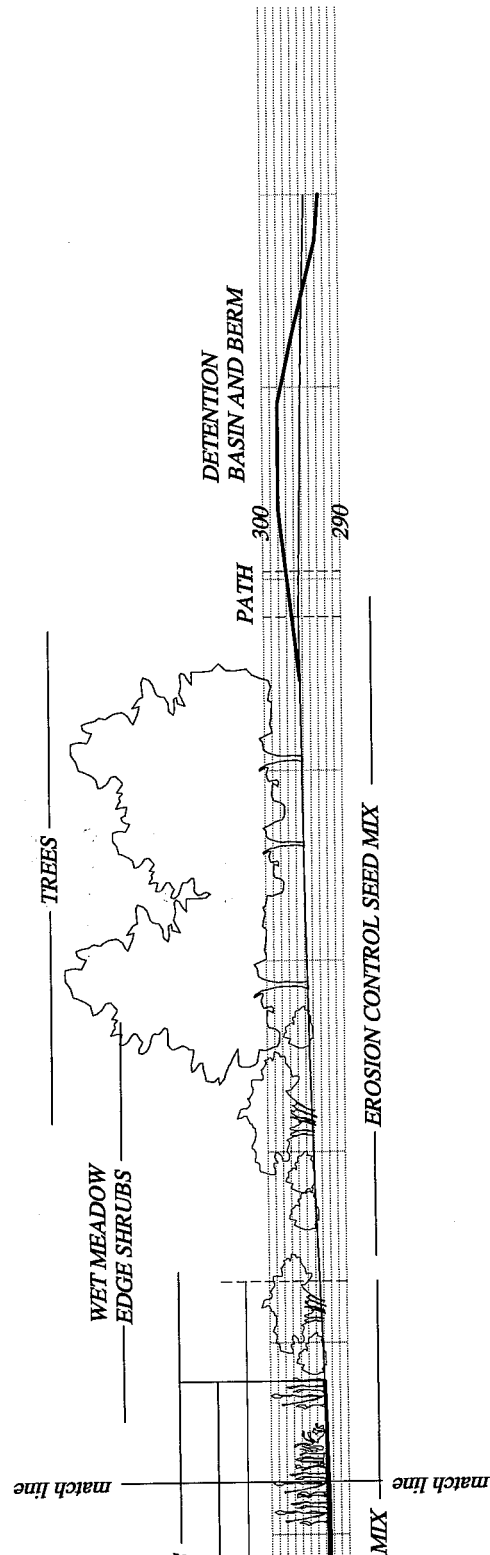
Wetland Mitigation Plan
Mitigation Area
Planting Plan

FIG.
 PN-10b
 05/15/09



WETLANDS MITIGATION AREA CROSS SECTION A-A

(continued above)

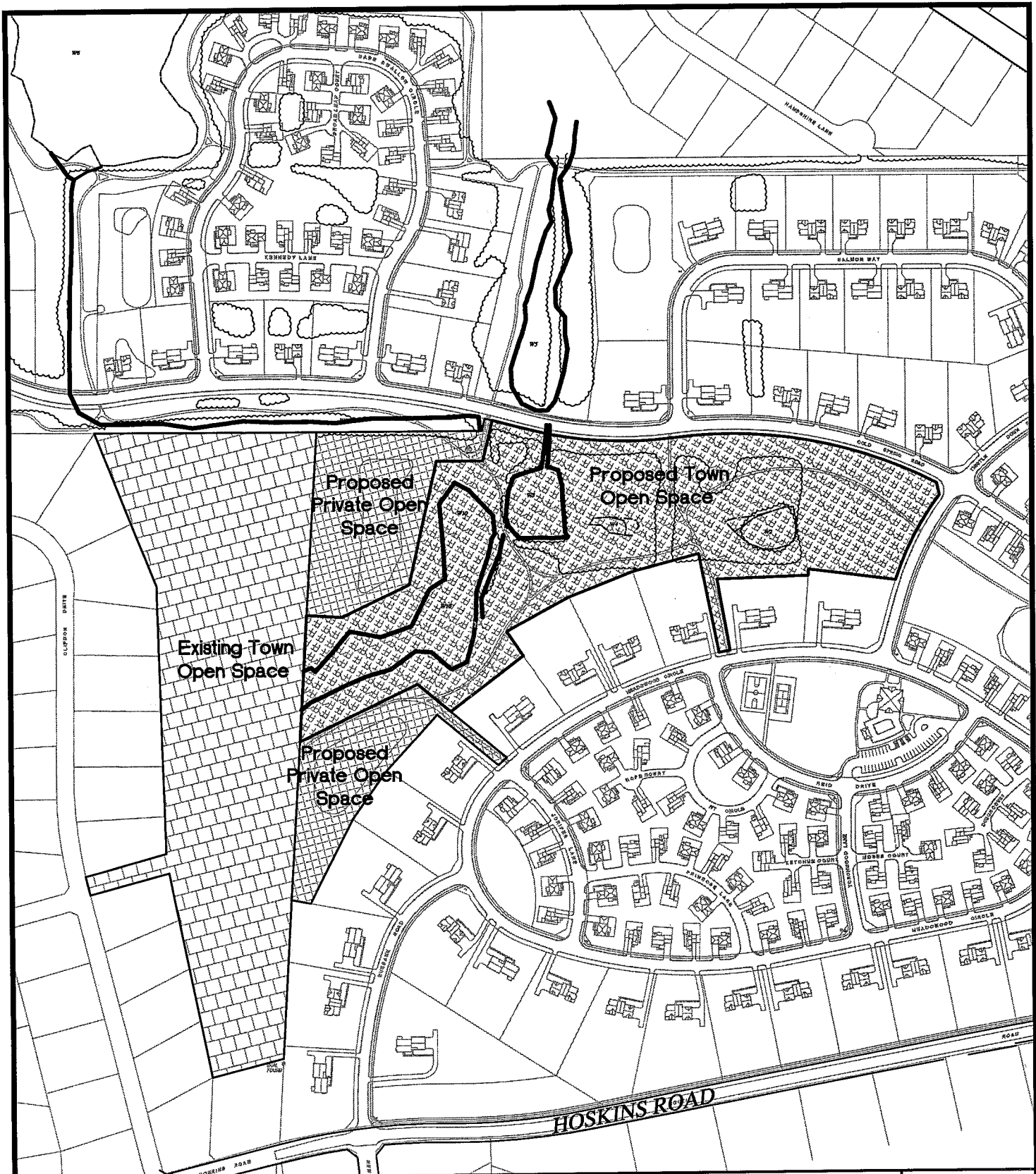


WETLANDS MITIGATION AREA CROSS SECTION A-A

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Wetland Mitigation Plan
Mitigation Area
Cross Sections

FIG.
PN-10c
05/15/09

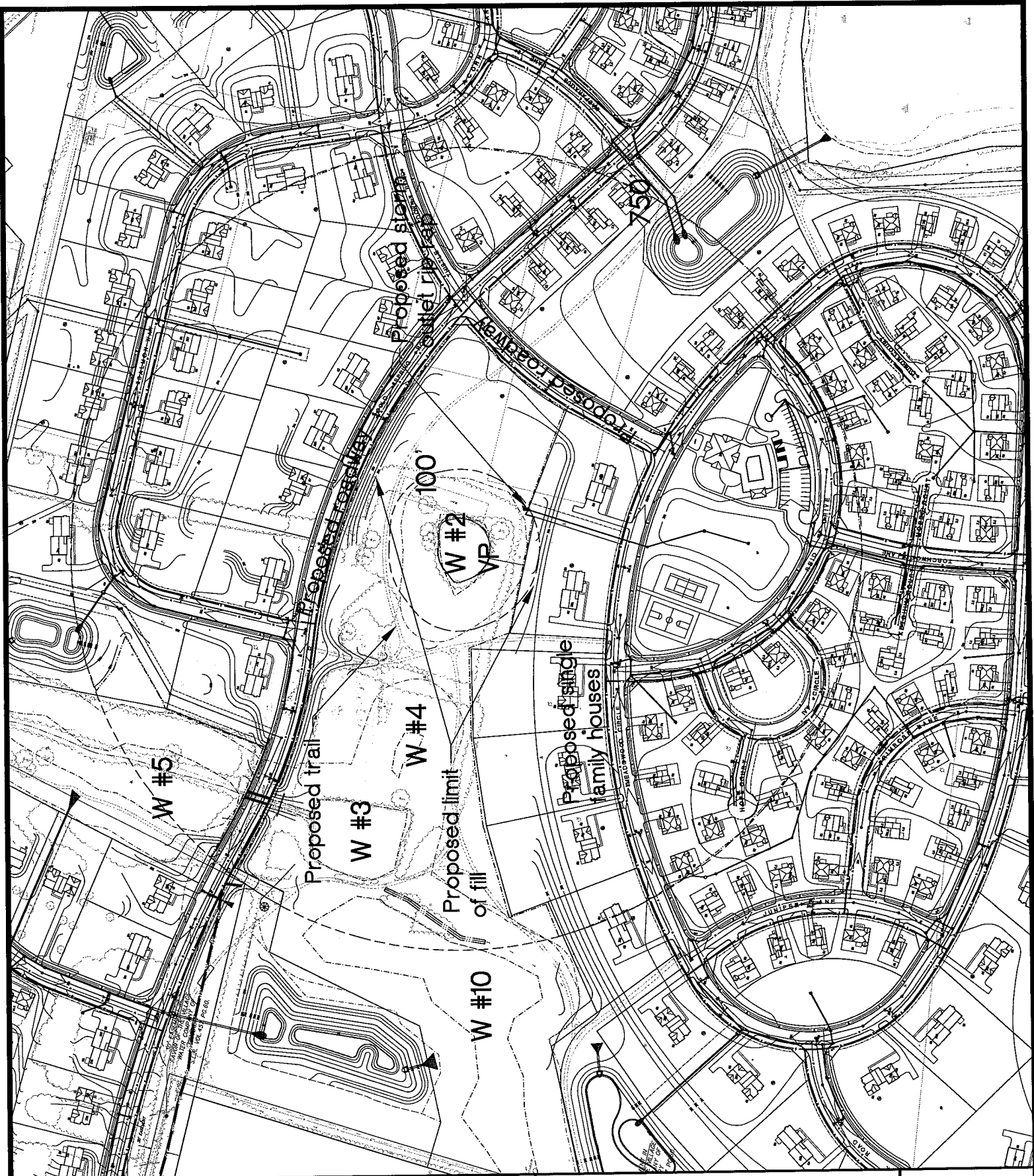


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Wetland Mitigation Plan Preservation Plan

FIG.
 PN-10e

05/15/09

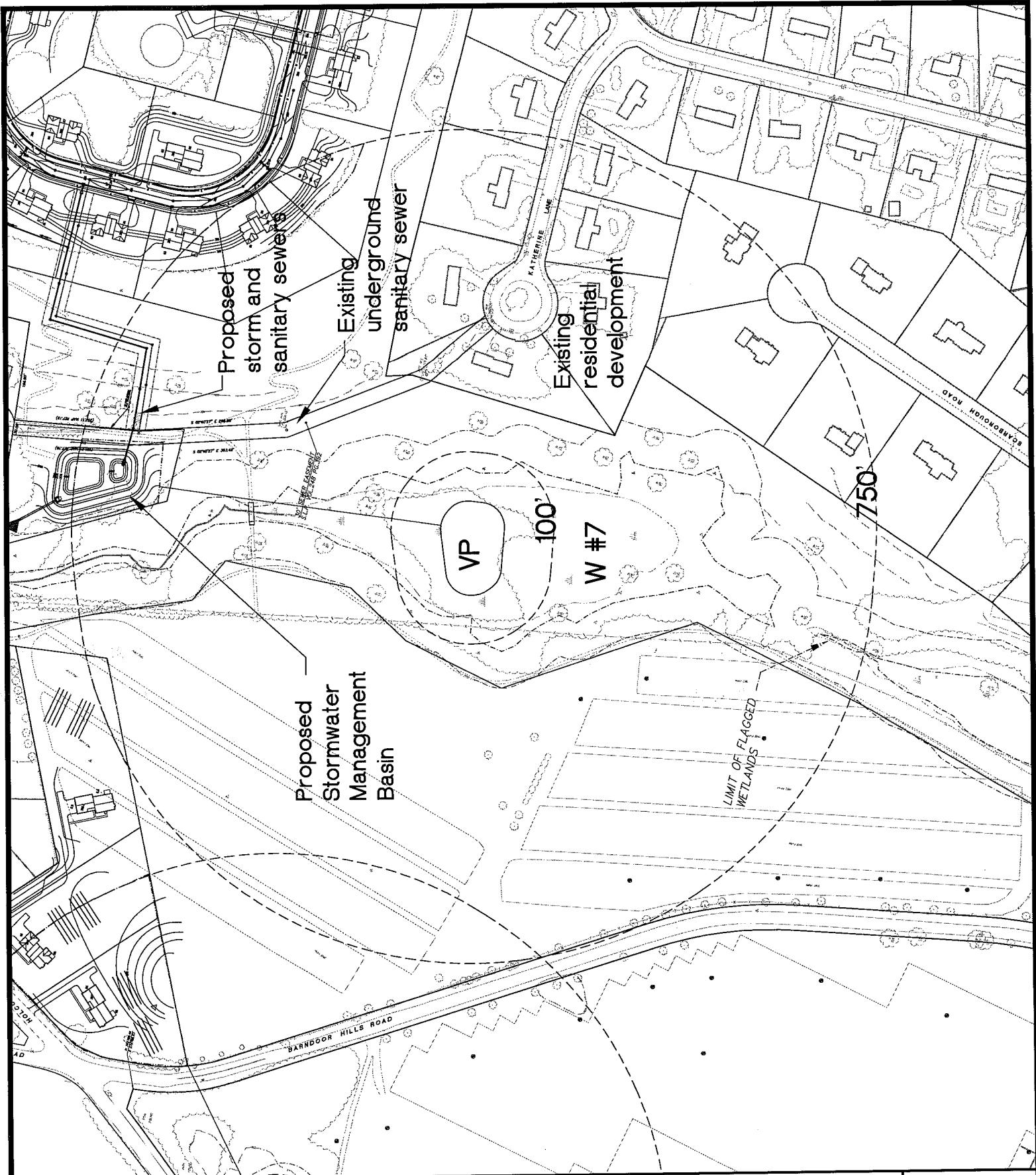


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Vernal Pool Wetland #2

FIG.
 PN-11a

05/15/09

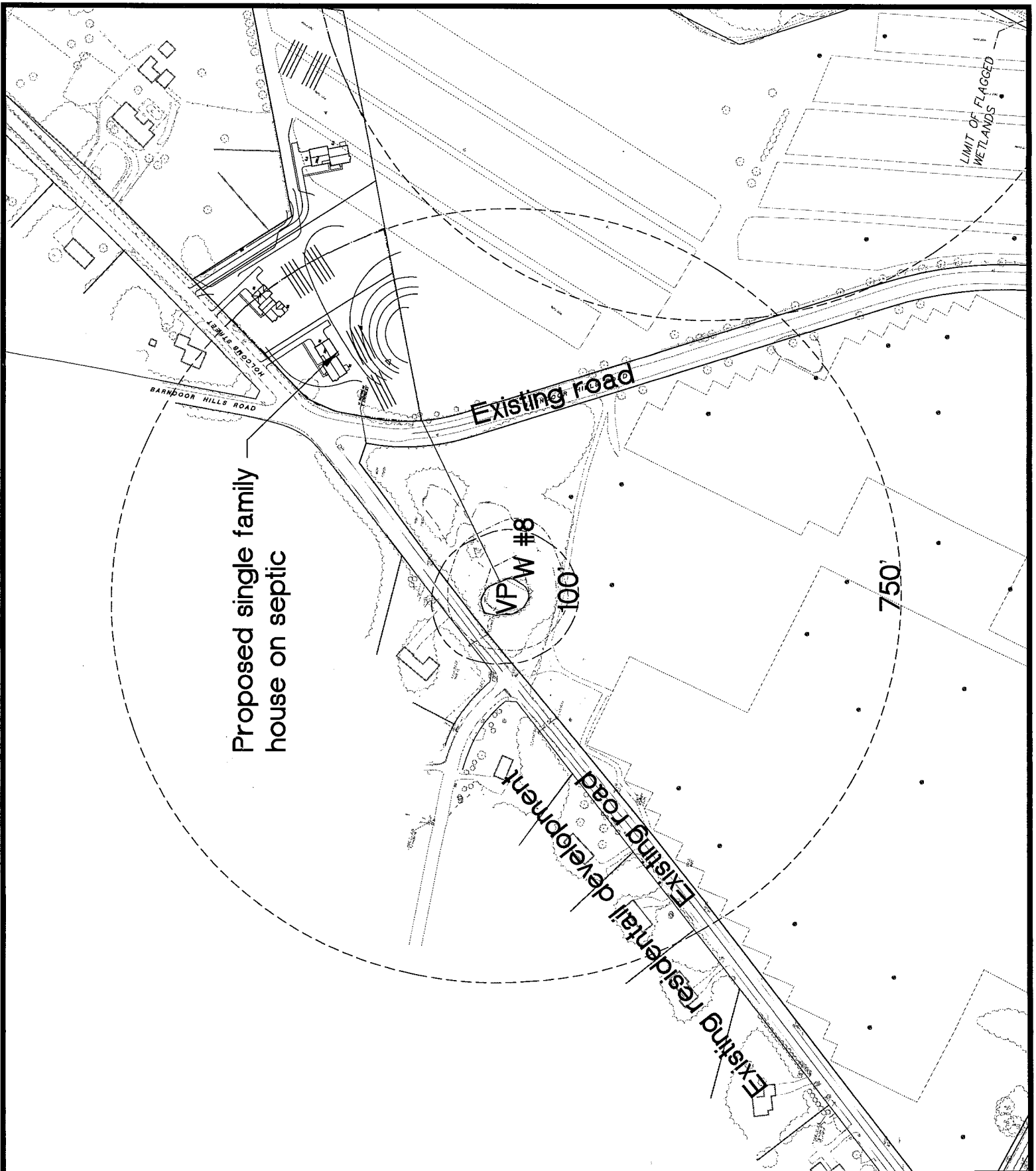


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Vernal Pool Wetland #7

FIG.
PN-11b

05/15/09



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Vernal Pool
 Wetland #8

FIG.
 PN-11c
 05/15/09